

The Little Traverse Bay Bands of Odawa Indians  
Tribal Council Meeting  
Tribal Court Room  
7500 Odawa Circle Harbor Springs MI 49740  
July 20, 2008

Closed Session: yes

Call to Order: Meeting was called to order at: 9:34 a.m.

Opening Ceremony: Beatrice A. Law

Council Present: Legislative Leader Beatrice A. Law, Secretary Regina Gasco Bentley, Treasurer Gerald Chingwa, Councilor Dexter McNamara, Councilor Alice Yellowbank, Councilor Melvin L. Kiogima, Councilor Fred Harrington, Jr., Councilor Marvin Mulholland

Absent: Councilor Shirley Oldman

Legislative Office Staff Present: Legislative Services Attorney Donna Budnick, Office Manager Michele LaCount

Executive Officials and Staff Present: none

Guests: Stacey Borths, Roger Emery, Doug Emery, John Liebgott

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Motion made by Councilor McNamara and supported by Secretary Gasco Bentley to adopt the agenda with additions for July 20, 2008.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Yellowbank and supported by Councilor McNamara to approve the minutes of July 6, 2008 as corrected.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

There were no Elders comments at this time.

Motion made by Treasurer Chingwa and supported by Councilor Harrington, Jr., to send the Tribal Council budget appropriation request to the Appropriations and Finance Committee for review.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)

Motion carried.

Motion made by Councilor Yellowbank and supported by Treasurer Chingwa to override executive veto of Tribal Resolution 050408-02 as passed by Tribal Council on May 4, 2008, Tribal Resolution Prosecutor Responsibilities in State Court Child Welfare Proceedings.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)  
Motion carried.

Motion made by Councilor Yellowbank and supported by Councilor Mulholland to carry over the Fair Employment Statute to a Tribal Council work session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)  
Motion carried.

11:12 a.m. Motion made by Councilor McNamara and supported by Councilor Kiogima to go into closed session for proprietary interest.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)  
Motion carried.

11:29 a.m. Motion made by Secretary Gasco Bentley and supported by Councilor Harrington, Jr., to return to open session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)  
Motion carried.

11:30 a.m. Motion made by Treasurer Chingwa and supported by Secretary Gasco Bentley to go into closed session for proprietary interest.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)  
Motion carried.

11:47 a.m. Motion made by Councilor McNamara and supported by Councilor Harrington, Jr., to return to open session.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Oldman)  
Motion carried.

11:49 a.m. Public Comment opened: Doug Emery spoke regarding the Fair Employment draft statute; the Tribal Chairman Veto reasoning and his post personnel employment file access. John Liebgott spoke regarding casino security in conjunction with the Casino facilities department and the chain of command. Roger Emery spoke regarding the feasibility study for the old Victories Casino building.

12:07 a.m. Public Comment closed

12:07 p.m. Recess called.

1:38 p.m. Meeting reconvened. Councilor Yellowbank absent and Councilor Oldman arrived.

Motion made by Councilor McNamara and supported by Councilor Mulholland to accept the Legislative Leader's verbal and written report with confidential items contained therein.

Vote: 7 - Yes, 0 - No, 0 - Abstained, 2 – Absent (Councilor Yellowbank, Councilor Kiogima)  
Motion carried.

1:40 p.m. Councilor Kiogima arrived

Motion made by Councilor McNamara and supported by Treasurer Chingwa to have a brief recess to discuss the Special Tribute for Joe Mitchell.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Yellowbank,)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Oldman to return to the regular meeting.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

Motion made by Councilor Oldman and supported by Secretary Gasco Bentley to accept the Tribal Treasurer Gerald V. Chingwa's verbal report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

Motion made by Councilor Oldman and supported by Councilor McNamara to accept the Land and Reservation Committee Chairperson Melvin L. Kiogima's verbal report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

Motion made by Councilor McNamara and supported by Councilor Mulholland to accept Councilor Kiogima's written and verbal Tribal Council Member report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

Motion made by Councilor Oldman and supported by Councilor Harrington, Jr., to accept the Legislative Services Attorney's verbal and written report.

Vote: 8 - Yes, 0 - No, 0 - Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

Motion made by Councilor Oldman and supported by Councilor Kiogima to approve the Memorandum of Understanding with North Central Michigan College.

Vote: 7 - Yes, 0 - No, 1 – Abstained (Councilor Harrington, Jr.), 1 – Absent (Councilor Yellowbank)

Motion carried.

3:00 p.m. Public Comment opened: Michele LaCount spoke regarding grant funding.

3:09 p.m. Public Comment closed.

3:09 p.m. Recess called.

3:22 p.m. Meeting reconvened.

Motion made by Councilor Harrington, Jr., and supported by Councilor Mulholland Authorization to Terminate Health Park "Declaration of Access Easement".

Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

Motion made by Councilor Harrington, Jr., and supported by Councilor Kiogima to approve the Tribal Chair's negotiation of the lease for the "Victories property" with TGE Productions, LCC, provided that the lease includes acknowledgment of Tribal civil jurisdiction, jurisdiction of the Tribal Court, and office space rental in the amount of not less than the per square foot, annualized, in an amount identified by confidential memo from Legislative Services Attorney Budnick for actual rentable square feet plus costs of utilities.

Vote: 8 - Yes, 0 - No, 0 – Abstained 1 – Absent (Councilor Yellowbank)

Motion carried.

Motion made by Councilor Harrington, Jr., and supported by Councilor Kiogima to place the Tribal Treasurer Reporting Responsibilities to the Tribal Citizens on the Legislative Calendar.

Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

Motion made by Councilor Kiogima and supported by Secretary Gasco Bentley to place the Commission Boards and Committees Policy on a Tribal Council work session agenda.

Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

Motion made by Treasurer Chingwa and supported by Councilor McNamara for Tribal Council attendance at the National Center for American Indian Enterprise Development 23<sup>rd</sup> Annual RES2009 Reservation Economic Summit & American Indian Business Trade Fair March 2009 in Las Vegas, NV.

Vote: 8 - Yes, 0 - No, 0 – Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

3:49 p.m. Motion made by Councilor Harrington, Jr., and supported by Treasurer Chingwa to adjourn.

Vote: 8 - Yes, 0 - No, 0– Abstained, 1 – Absent (Councilor Yellowbank)

Motion carried.

These Minutes have been read and approved as corrected:

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Regina Gasco Bentley, Tribal Council Secretary

Date

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS  
7500 Odawa Circle  
Harbor Springs, MI 49740

**TRIBAL COUNCIL MOTION**

Authorization to Terminate Health Park "Declaration of Access Easement"

- WHEREAS** the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);
- WHEREAS** the Little Traverse Bay Bands of Odawa Indians Tribal Council is the elected legislative body of the Tribe;
- WHEREAS** LTBB purchased the parcel on Hagar Drive commonly referred to as the "Health Park" from Healthshare Real Estate, Inc on May 26, 2004. The Warranty Deed conveying the parcel to the Tribe is dated May 26, 2004, and was recorded June 4, 2004 at Liber 1051 Page 837, Emmet County Register of Deeds;
- WHEREAS** Healthshare Real Estate, Inc. executed a document titled "Declaration of Access Easement" on January 12, 1998, recorded on January 14, 1998 at Liber 625 Page 994, Emmet County Register of Deeds;
- WHEREAS** all to the properties subject to and described in the Declaration of Access Easement are within the parcel conveyed to the Tribe in the deed recorded at Liber 1051 Page 837;
- WHEREAS** LTBB has no interest in the continued existence of the easement created in the Declaration of Access Easement or in any terms and conditions therein;

**THEREFORE BE IT RESOLVED** that the Tribal Council of the Little Traverse Bay Bands of Odawa Indians authorizes the termination of the Declaration of Access Easement recorded at Liber 625 Page 994, and authorizes the Tribal Chairman to execute any documents necessary to accomplish the termination.

**CERTIFICATION**

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this motion was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held July 20, 2008 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, 1 absent as recorded by this roll call:

Date: \_\_\_\_\_

\_\_\_\_\_  
Beatrice A. Law, Legislative Leader

Date: \_\_\_\_\_

\_\_\_\_\_  
Regina Gasco Bentley, Secretary